Pt. 2 Case

Peach Murder Cases Dr. D.G. Revell

On this program last year, Dr. D. G. Revell, Professor Emeritus of Anatomy, University of Alberta, told about some of his experiences in connection with his duties when he was Provincial Pathologist.

We have had a number of requests for a repeat of his talk, and it gives me pleasure to again relate Dr. Revell's tale.

Famous Peach Murders?

JAMES TUCKER PEACH MURDER CASE

By

Dr. D. G. Revell

My story this evening has to do with the murder of James Tucker Peach. This was committed about thirty-four years ago near Gladys, which is some miles east of Okotoks. Peach was generally known as "Old Jim Tucker" or as Tucker Peach. The murder has been filmed and also written up, much garbled, in different magazines. What I shall tell you is first-hand knowledge and the exact facts, and is the first time I have told it except in court and to friends.

Thirty-seven years ago I was appointed Provincial Pathologist for Alberta. My duties were to equip and conduct a laboratory for public health and police investigations. The laboratory thus begun has been continued and forms today a large part of the Medical Faculty of the University. Much of the police work that was in my charge is now done in the Mounted Police laboratory in Regina.

In November 1910 a Mountie brought a parcel to me containing a human head that had been found in the Bow River east of Okotoks. More exactly it was just a skull on which the only remaining flesh was the scalp and the skin of the cheeks down to the border of the jaw. I made a careful study of this skull in order to discover any means of identification of the person whose it was in life, and also any evidence of the cause of death. About the middle of December I was requested to attend an inquest in Okotoks and to bring the skull with me. Dr. Nyblett, of Macleod, was the coroner and he presided. My evidence was an account of what I had learned by examining the

skull, in brief about as follows. It was a skull of a man, as shown by the short gray hair of the scalp and the short black whiskers on the cheeks. The condition of the teeth showed an age of around sixty. A plug of cotton batting in the left ear passage indicated ear trouble. The bones of the nose were prominent as in a Roman or humped nose. A large area of the bone forming the middle of the forehead was sunken and had several deep narrow grooves with rounded edges that showed there had been an extensive fragmented fracture there many years before death and well healed. Such a fracture could result only from a heavy blow and the wound in the skin over it would leave a large visable scar. I said this was the skull of a man of about sixty with short gray hair, short black whiskers on his cheeks, a Roman nose, and with ear trouble, and with an old scar in the middle of his forehead. As to cause of death: In the middle of the forehead there was an irregular roundish hole with sharp edges. This hole was funnel-shaped flaring and wider inwardly. It was just such a hole as is made by a bullet entering a skull. There was no bullet within the skull but the base of the inside of the skull was coated and hidden by fine silt such as settles out of muddy water. On gently washing this away under a tap, I had found a long narrow hole in the front part of the floor of the skull. This hole passed obliquely through the roof of the left eye-socket. The shape of the hole was such as would be made by a bullet passing out of the skull. I therefore gave it as my opinion that the man had been shot and that the bullet had

entered the head through the forehead, and after whirling around against the inner surface of the skull, had emerged through the left eye. When I said this the jury smiled very audibly and didn't believe a word of it.

However, the witness who followed me, under cross-examination by Inspector Duffus, confessed to having taken part in the murdering of Tucker Peach, and that his fellow murderer, Jack Fisk, had shot the old man in the head with a revolver and that blood ran down the old man's face. He also said that after shooting Peach, Fisk handed the pistol to him and said, "Now, you shoot too or I'll put a bullet through you!" So he took the gun and fired at the body as it lay on the bed, which was a few sacks of hay on the floor in a corner of the one-room shack that was Peach's home. The confession also stated that after killing Peach the two men wrapped up the body in the bed covers, hitched up the Peach team to the lumber wagon and took the body down to the Bow River two miles away where Peach had another farm. There they threw the body and the revolver into the river. They also threw in Peach's bed-covers consisting of a double blanket and a cowhide tanned with the hairs on. These were rolled up and tied with a small rope.

The head had been found in mid-November lying on a gravel bed under a tree that overhung the bank of the Bow River. In June, five months earlier, a headless body had been dragged from the river which was in flood from the melting snow in the Rocky Mountains. The body could not be identified and had been

buried in the river bank. In November it was exhumed and brought into Okotoks for the inquest. In Okotoks the body was in charge of John Wilson who was blacksmith and undertaker. There I examined it in an endeavor to find the bullet that Robertson said he fired at it. This was a very unsavory job and both the undertaker and the policeman who helped me or stood by and looked on, lost their dinners. But I was full of scientific interest that kept my dinner securely in its place. And I did find the bullet, just under the skin on the left side of the chest. It was 32-calibre, and was bruised on both ends especially on its front or nose. Evidently before entering the body it had struck something hard twice, turning over end for end between strikes. It was a spent bullet when it hit the body.

After finding this bullet we went out to the Peach shack and there by aid of Robertson's confession we reconstructed the scene of the murder. I found that the bullet had first struck a short long of wood stood on end beside Peach's bed and used as a table. It had then glanced down hitting the floor, from which again it bounced upward into the body. Robertson's story was corroborated but his hand had shaken so badly that he had quite missed the body and the bullet had hit it only after glancing round and entering the body from the opposite direction and on the other side from Robertson.

Enquiry discovered not only that Peach had an old scar on his forehead but also that it was due to being kicked by a horse twenty-five years before he disappeared. Even the nun, at an

Indian school at Gladys, who had dressed the wound, remembered doing so. The skull was surely Tucker Peach's.

The trial of Jack Fisk for the murder of Tucker Peach was held in Calgary early in 1911. Mr. James Short was Coronor prosecutor and Mr. P. J. (Paddy) Nolan defended Fisk and very ably he did so. My own evidence on the head and headless body was much as I have here related from memory. I was a whole day under cross-examination by Paddy Nolan who searched every item of my evidence for any mistake or guess. We had a long session on the question of whether the head belonged to the body, as I maintained. They had been found five months apart and by different people. But both were of the male sex, both were of about the same age, both were soiled with river silt, having been in muddy water, both head and body had been shot into by bullets, but the clinching proof that the head belonged to the body was the fact that the lower of the two vertebrae that still adhered to the skull exactly fitted on the upper one of those still in the neck of the body. The head and the body matched, and each completed the other.

The first day of the trial I had remained outside of the court-room in accord with the rule that excluded witnesses until they had given their evidence, after which they may remain and hear those following. It was dull and monotonous waiting around, and I sent in a message by Joseph Shaw, who was Mr. Short's office boy and messenger at that time, to ask if I might be allowed in the courtroom. The reply to my request came back from Mr. Nolan: "Tell Dr. Revell that if he comes in I won't see him."

So in I went and Mr. Nolan didn't object to my presence, and very kindly he "didn't see me."

The case was given to the jury late in the afternoon of the fifth day and court was adjourned to await the verdict. After dinner Judge Stuart and I were sitting in his room talking. He had just got a good cigar well started when the sheriff came to tell him that the jury had found their verdict. The Judge laid down his cigar with the remark to me, "Well, so quick a decision probably means acquittal." But when court had been resumed the clerk of the Court turning to the jury said, "Gentlemen of the jury, have you agreed upon a verdict? Of so, say by your foreman." The foreman answered, "We find the accused guilty as charged." The Judge then told Fisk, who was sitting in the prisoner's box, to stand up and said, "Have you anything to say before sentence is pronounced on you according to law?" I was sitting just beside the prisoner's box, about a yard from Fisk, and could observe and hear him very well. In answering this question he leaned forward with his hands resting on the front of his box. Emphasizing his words by striking his hand on the railing he said, "Nothing, My Lord, except that I am innocent to the best of my knowledge." In the course of cross-examination of witnesses by Mr. Nolan, an axact answer to a question would sometimes be refused by the witness who would say "he didn't know" or "couldn't exactly say","wasn't sure", and Nolan would press for an answer with, "Well, to the best of your knowledge, what do you say?" And so this entirely proper phrase to qualify an answer that was uncertain or doubtful of exactness was used by Fisk in an answer that it made perfectly ludicrous.

Could Mr. Nolan's clever defense and eloquent address to the jury have almost convinced Fisk himself that he was not guilty or at least have raised a doubt in his mind? However, the Judge maintained a straight face, and said to Fisk, "You have had a fair trial. The jury has found you guilty of the charge of murder and I quite agree with this verdict. There is only one sentence the law permits me to impose on this verdict. The sentence of the court is that you be taken hence to the Provincial Gaol (Jail) in Calgary and there safely kept in custody until the 10th day of April next and that upon that day you be taken to the place prepared and there hanged by the neck until you are dead, and may God have mercy on your soul." Fisk didn't tremble nor turn a hair on hearing his death sentence. But a man who can commit a cold blooded murder can have very little emotional feelings.

Fisk's execution was postponed, however, until Robertson's trial had been held and he also had been convicted and sentenced to hang. It was felt by all who knew or heard the story of the shooting of Peach that Robertson had been domineered and forced by Fisk. Also he had assisted the police in every possible way to get all the facts of the case. His sentence was therefore commuted to life-imprisonment.

During the inquest and trial I had good opportunity to study Robertson. He had been brought to the inquest in Okotoks in handcuffs. He slouched along, eyes downcast, shifting and fear-filled, looking like an exhausted hunted animal. He reminded me of a limp, damp dishcloth. But after the inquest and his confession

he was entirely changed in his bearing. Late that evening while we were waiting for the train to take us back to Calgary we stood around on the station-platform but Robertson and the policeman to whom he was linked walked up and down, or should I say the policeman walked and Robertson strode along, erect, alert, and smiling. A great load had been taken off his soul.

After Robertson had been in the penitentiary about five years and had always been a model prisoner in his conduct, I consulted Judge Stuart about the possibility and desirability of seeking a pardon for him. On his advice and after a persevering enquiry I finally learned from the Superintendent of Penitentiaries that Robertson had already been paroled and deported to Scotland. This was in the midst of World War I, and I infer that on his return to Scotland he was enlisted in the active forces, under a new name, thus losing his identity. Probably he have his life in his country's service.

Good night.